

REMARKSI. Introduction

In response to the Office Action dated June 14, 2002, claims 16, 17 and 19 have been amended. Claims 16-29 remain in the application, although claims 23-29 have been withdrawn from consideration. Re-examination and re-consideration of the application, as amended, is respectfully requested.

II. Examiner Interview

On August 26, 2002 an interview occurred between Examiner Rimell and Bradley K. Lortz regarding the status of claims 23-29 as they were not addressed in the present Office Action. Examiner Rimell informed Applicant's attorney that the claims had been previously subject to a restriction requirement and claims 16-22 were elected.

III. Claim Amendments

Applicant's attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

IV. Non-Art Rejections

On page 2 of the Office Action, claims 17-18 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Respecting claim 17, the Office Action asserts that although the disclosure of the present invention (at page 12, lines 17-18) states that the curriculum is "tailored" to the learner's needs, it does not state the curriculum includes actual information describing needs. In response, Applicant notes that the application teaches:

"a PROFILE is generated for each student. PROFILES are discussed in the Related Applications. As adapted to the present invention, the PROFILE is, in simple terms,

a description of (a) the present educational status, (b) the educational needs and (c) the educational capabilities, of the student" (page 3, line 35 to page 4, line 4)

In addition, discussing "educational needs", the application teaches:

"Educational needs refer to the instruction needed by the student at the time, which is largely determined by the student's curriculum. For example, the lessons needed by a college sophomore having a curriculum of college chemistry, with emphasis on organic synthesis, are known." (page 4, lines 15-19)

In addition, claim 17 has been amended to clarify that the each learner's curriculum substantially determines each learner's need." Applicant respectfully requests withdrawal of the present rejection.

Respecting claim 18, the Office Action asserts that the teaching strategies described in the present invention (page 12, line 23 to page 13, line 10) make no mention including "information on the learner's knowledge of structures of organized information which give meaning and context to the topic" and these features cannot be inferred from the content of the disclosure. In response, Applicant notes that the application indicates that teaching strategies are discussed at the end of the specification where the following is taught:

"The internal conditions define prerequisite knowledge or skills, and external conditions define certain aspects of the instruction; the invention should be concerned with both. The following descriptions of internal and external conditions required are derived from Gagne's The Conditions of Learning (1977, pp. 25-49).

For the learning of intellectual skills, the primary internal condition is that the student have prerequisite skills which provide the components of the new skill being learned. External conditions are often in the form of verbal directions which guide the combination of simpler skills into a new integrated whole.

In terms of verbal information, internal requirements are that the learner have a good mastery of linguistic rules and vocabulary in order to understand statements presented, and he or she must also have previously existing "cognitive structures" (p. 40), or structures of meaningfully organized information which will give meaning and context to the new material presented." [emphasis added] (page 22, lines 18-34)

In view of the identified teaching, Applicant respectfully requests withdrawal of the present rejection.

V. Prior Art Rejections

On page 2 of the Office Action, claims 16, 19, 20, and 22 were rejected under 35 U.S.C. §102(a) as being anticipated by Lee, WO 93/16454 (Lee). On page 3 of the Office Action, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lee.

Independent claims 16 and 23 are generally directed to a method and apparatus for presenting material on a topic to a learner including storing on one or more computers a plurality of materials including a collection of alternate presentations covering the same topic, providing a communications link to the materials, via a data channel, with a communicator of the learner, storing profiles of learners, which contain information about characteristics of each learner including information about each learner's curriculum, teaching strategies, present standing and personalized information, selecting a preferred presentation from the collection of alternate presentations based on the learner's profile, and making the selected preferred presentation to the learner.

The cited references do not teach or suggest these various elements of Applicant's independent claims.

Lee merely describes a method and system to improve the efficiency of individual learning by monitoring the student's progress and pacing the course material to the student's ability to comprehend and learn. However, Lee lacks any discussion about storing a collection of alternate presentations covering the same topic, storing profiles of learners and selecting a preferred presentation from the collection based on a learner's profile. Instead, Lee teaches away from Applicant's invention because it describes the development of "courseware", selecting material including text, illustrations, length of lesson and questions to be answered, with respect to groups of students in a traditional methodology, albeit using computer technology. See page 6, line 35 to page 7, line 36. Lee does not teach or suggest alternate presentations of the same topic that are selected on the basis of individual learner's profile. Furthermore, the selection of materials as taught by Lee is not automated, but performed by "teachers and parents".

In addition, the various elements of Applicant's claimed invention together provide operational advantages over Lee, by determining a presentation best suited to an individual student's needs, each student's learning potential is maximized. Applicant's invention also solves problems not recognized by Lee. For example, based on learner profiles, the present invention allows

different presentations to be selected for the same lesson to accommodate that different students assimilate material in different ways.

Thus, Applicant submits that independent claims 16 and 23 are allowable over Lee. Further, dependent claims 17-22 and 24-29 are submitted to be allowable over Lee in the same manner, because they are dependent on independent claims 16 and 23, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 17-22 and 24-29 recite additional novel elements not shown by Lee.

VI. Conclusion

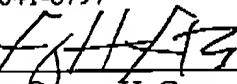
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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G&C 30145.409-US-C1

APPENDIX: CLAIMS IN MARKED-UP FORM

16. (AMENDED) A method of presenting material on a same topic to a learner, comprising:

- (a) storing on one or more computers a plurality of materials including a collection of alternate[different] presentations, each covering the same topic;
- (b) providing a communications link to the materials, via a data channel, with a communicator of the learner;
- (c) storing profiles of learners, which contain information about characteristics of each learner including information about each learner's curriculum, teaching strategies, present standing and personalized information;
- (d) selecting a preferred presentation from the collection of alternate[different] presentations based on the learner's profile; and
- (e) making the selected presentation to the learner.

17. (AMENDED) The method of claim 16, wherein the information about each learner's curriculum substantially determines[includes information about] each learner's needs and the step of selecting the preferred [a] presentation from the collection includes matching the learner's needs with the preferred [a] presentation suited to those needs.

19. (AMENDED) The method of claim 16, wherein the information about each learner's teaching strategies includes information on the learner's preferred teaching strategy and the step of

selecting the preferred[a] presentation includes selecting the preferred[a] presentation according to the learner's preferred teaching strategy.

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